

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL JONES,

Plaintiff

v.

STATE OF NEVADA,

Defendant.

Case No. 2:20-cv-01064-JAD-EJY

ORDER

I. DISCUSSION

On June 15, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted an application to proceed *in forma pauperis* and a motion for appointment of counsel. (ECF Nos. 1, 1-1). Plaintiff has not submitted a complaint or a fully complete application to proceed *in forma pauperis*.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **August 17, 2020** to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

1 Plaintiff has not submitted a properly signed Financial Certificate or an inmate account
2 statement for the previous six-month period. Accordingly, the Court denies Plaintiff's application
3 to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete.
4 The Court grants Plaintiff a **one-time extension** to file a fully complete application to proceed *in*
5 *forma pauperis* containing all three of the required documents. Plaintiff must file a fully complete
6 application to proceed *in forma pauperis* on or before **August 17, 2020**. Absent unusual
7 circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a
8 fully complete application to proceed *in forma pauperis* with all three required documents on or
9 before **August 17, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new
10 case with the Court when Plaintiff is able to acquire all three of the documents needed to file a fully
11 complete application to proceed *in forma pauperis*.

12 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
13 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
14 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
15 application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
16 **August 17, 2020** to proceed with this case.

17 CONCLUSION

18 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff shall submit a complaint
19 to this Court on or before **August 17, 2020**.

20 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
21 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court
22 shall also send Plaintiff a copy of his motion for appointment of counsel. (ECF No. 1-1).

23 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF
24 No. 1) is denied without prejudice. Plaintiff may file a new and fully complete application to proceed
25 *in forma pauperis* that includes all three documents by August 17, 2020.

1 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
2 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
3 information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that on or before **August 17, 2020**, Plaintiff shall either pay
5 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
6 administrative fee) or file with the Court:

7 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
8 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
9 3),

10 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
11 (i.e. page 4 of this Court's approved form), and

12 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
13 **six-month period.**

14 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully complete
15 application to proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for
16 a civil action on or before **August 17, 2020**, the Court will dismiss this action without prejudice for
17 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to file a
18 complaint and has all three documents needed to file a complete application to proceed *in forma*
19 *pauperis*.

20 DATED: June 18, 2020

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22 ELAYNA J. YOUCHAK
23 UNITED STATES MAGISTRATE JUDGE
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